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Sent: 2/12/2013 9:05:21 PM
To: Scott Martella_Gov-Rep [scott.martella@exec.ny.gov]; Lora Fry_Navy [lora.fly@navy.mil]
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Subject: Intervention by Governor Cuomo FW: EPA Superfund Petition
Attachments: EPA Superfund Petition Response.pdf; EPA CCERCLA Memo-.pdf

Dear Governor Cuomo: The email below states: ***"I regret to inform everyone that our superfund petition was rejected. A copy is attached... Thanks, Ethan"***.

To rectify this travesty of Environmental Justice, please intervene by declaring the Grumman-mismanaged Bethpage & Calverton NWIRPS (ID ## NYD002047967 & NYD003995198) to be State Superfund sites because the EPA has rejected two petitions, the one submitted by Ethan Irwin, Esq. after Congressman King made a similar request to the EPA Administrator. (See Footnote #1 GLOSSARY OF TERMS RELATED TO CERCLA, EPCRA, PPA, RCRA and TSCA)

Grounds To Intervene Pursuant To 40 CFR Part 141 & 40 CFR Part 192

The attached CERCLA Memo advises:

1. ***"This memorandum addresses the use of uranium standards in 40 CFR Part 141 and 40 CFR Part 192 when setting remediation goals for ground waters that are current or potential sources of drinking water at Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) sites. Today's memorandum will be of interest to site decision makers that have uranium as a contaminant of concern in groundwater at their CERCLA site..."***
2. ***"All remedial actions at CERCLA sites must be protective of human health and the environment and comply with applicable or relevant and appropriate requirements (ARARs) unless a waiver is justified. Cleanup levels for response actions under CERCLA are developed based on site-specific risk assessments..."***
3. ***"The Agency issued guidance concerning ground water use determinations in a memo from Office of Solid Waste and Emergency Response Assistant Administrator to the Regions entitled "The Role of CSGWPPs in EPA Remediation Programs" (OSWER Directive 9283.1-09), April 4, 1997.***
4. ***This guidance states that EPA generally defers to State determination of current and future groundwater uses, when the State has a Comprehensive State Ground Water Protection Program (CSGWPP) that has been endorsed by EPA and has provisions for site specific decisions.***
5. ***For States that do not have an EPA-endorsed CSGWPP (or whose CSGWPPs do not have provisions for making site-specific determinations of groundwater use, resource value, priority or vulnerability), EPA uses either "EPA Guidelines for Ground-Water Classification" (Final Draft, December 1986), or State groundwater classifications or similar State designations, whichever classification scheme leads to more stringent remediation goals."***

Upon information and belief, NYS has no EPA endorsed CSGWPP for any of the 211 CERCLA/RCRA/NPL sites identified @ <http://www.epa.gov/region02/cleanup/sites/index.html> and the site decision makers have not specified remedial actions at any of these sites that are **protective of human health** and the environment. In fact, there are no site-specific risk assessments of nuclear waste dumped by Grumman in its onsite landfills in Calverton & Bethpage or radioactive fallout from BNL, as well decades of radioactive waste BNL dumped in the Peconic River. For proof of radioactive contamination that should have been included in site-specific risk assessments for the Calverton NWIRP, BNL's 2011 Health Assessment & Radiation Reports since 1947; linked to www.gfxtechnology.com/BNL.html)

Yours truly,
Dr. Carmine F. Vasile

Footnote #1 **GLOSSARY OF TERMS RELATED TO CERCLA, EPCRA, PPA, RCRA and TSCA**
(<http://homer.ornl.gov/sesa/environment/guidance/cercla/gloss97.pdf>)

This glossary contains CERCLA-, EPCRA-, PPA-, RCRA- and TSCA- related terms that are most often encountered in U.S. Department of Energy (DOE) environmental management activities. Detailed definitions are included for key terms, along with source references and alphabetically listed acronyms. [This glossary supercedes DOE/EH-0347, October 1993.]

The CERCLA definitions included in this glossary are taken from the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended and related federal rulemakings (e.g., 40 CFR 300, National Oil and Hazardous Substances Pollution Contingency Plan).

The EPCRA definitions included in this glossary are taken from the Emergency Planning and Community Right to Know Act and related federal rulemakings (e.g. 40 CFR 370, EPA Hazardous Chemical Reporting and Community Right-To-Know Requirements).

The PPA definitions included in this glossary are taken from the Pollution Prevention Act.

The RCRA definitions included in this glossary are taken from the Resource Conservation and Recovery Act (RCRA) and related federal rulemakings (e.g. 40 CFR 264, EPA Regulations for Owners and Operators of Permitted Hazardous Waste Facilities).

The TSCA definitions included in this glossary are taken from the Toxic Substances and Control Act (TSCA) and related federal rulemakings (e.g. 40 CFR 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions). Definitions related to TSCA are limited to those sections in the statute and regulations concerning PCBs and asbestos.

CERCLA BASELINE RISK ASSESSMENT (References 41, 48) (Human Health Evaluation) Under Sections 104 and 121 of CERCLA, the U.S. Environmental Protection Agency (EPA) is required to assess the risks to human health posed by uncontrolled hazardous waste sites on the National Priority List (NPL). That assessment is conducted in the remedial investigation/feasibility study (RI/FS) phase of the site cleanup process. When applied to the evaluation of the human health impacts caused by uncontrolled CERCLA sites (i.e., if no remedial action is taken), this process is termed the "baseline risk assessment."

From: ethanirwin1@gmail.com

Date: Sun, 10 Feb 2013 16:50:58 -0500

Subject: EPA Superfund Petition

To: da [Email / Ex. 6] jfx-G [Email / Ex. 6]; claudiaborecky@ [Email / Ex. 6]

I regret to inform everyone that our superfund petition was rejected. A copy is attached. I wouldve sent it sooner but I had to send my computer out for repair. Thanks, Ethan